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January 31, 2000

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Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Ex Parte Notification – WT Docket No. 99-168

Dear Ms. Salas:

On January 31, 2000, Rich Barth, Leigh Chinitz, and Jeanine Poltronieri, of Motorola, held a series of meetings with Commission staff to discuss the above captioned proceeding. Motorola met with Commissioner Gloria Tristani, and Adam Krinsky, Legal Advisor to Commissioner Tristani; Commissioner Susan Ness and Mark Schneider, Senior Legal Advisor to Commissioner Ness; and Thomas J. Sugrue, Chief Wireless Telecommunications Bureau, Julius Knapp, Senior Advisor, Office of Engineering and Technology, Gary Michaels, Auctions and Industry Analysis Division of the Wireless Communications Bureau and Stan Wiggins, Policy Division, Wireless Telecommunications Bureau. Dick Wiley, of Wiley, Rein & Fielding, joined the meeting with Commissioner Tristani, on behalf of Motorola.

Motorola discussed the band plan Motorola has proposed in the above captioned proceeding, consistent with their comments filed in the proceeding. Specifically, Motorola discussed the need for the Commission to establish a technical prohibition on cellular architectures in the guard bands, which were established by the Commission in the *First Report and Order* in this proceeding. Materials presented at the meetings have been submitted to the Commission in a consolidated filing made by Wiley, Rein & Fielding on behalf of Motorola. Motorola also presented Commissioner Tristani with a copy of a recent press account of interference problems to public safety systems in Anne Arundel County. A copy of that article is attached to this filing.

In short, Motorola expressed the view that it would find it inconceivable for the Commission to ignore the record filed by numerous public safety entities that object to the risks inherent in cellular architectures being permitted in the guard bands.

Please contact Jeanine Poltronieri at (202) 371-6896 regarding any questions concerning this matter.

Respectfully Submitted,

  
Jeanine Poltronieri  
Motorola, Inc.

cc:

Chairman William E. Kennard  
Commissioner Harold Furchtgott-Roth  
Commissioner Michael Powell  
Commissioner Gloria Tristani  
Commissioner Susan Ness  
Ari Fitzgerald  
Bryan Tramont  
Peter Tenhula  
Adam Krinsky

Mark Schneider  
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## Police lines blocked by cell towers

By NICOLE GAUDIANO  
Staff Writer

The angry 240-pound woman had already put a shovel through the windshield of the family car when she pointed the 10-inch scissors at her husband.

If ever there were a time Officer Lee Green could have used his police radio, it was then.

But his portable radio was dead — there was no way to call for urgent assistance.

Facing the ranting couple alone, he drew his weapon hoping she would drop the shears.

Such are the risks for an officer working in the county's "dead zones," where signals from cellular telephone towers invade police communications. Static and busy tones mute their radio transmissions, leaving officers no lifeline to Police Department dispatchers or other officers.

Police say the problem is worsening with every new cellular tower, but cellular companies say they aren't to blame.

With mounting frustration, Police Chief P. Thomas Shanahan turned to the Federal Communications Commission last month with a plea for intervention with the cellular

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— Gordon Deans

telephone industry. He is still waiting for action.

"I feel the FCC hasn't helped public safety in this area," he said. "They were attentive. They seemed concerned. But my problem's not getting fixed."

FCC spokesman Meribeth McCarrick wasn't familiar with the commission's intentions in this county's situation. But she said "things like this happen all over the country," and the FCC typically acts as a mediator when the parties are both working within its rules.

The FCC began auctioning broadcast frequencies in 1994, with companies including wireless communications firms spending millions for licenses to use them.

About two years ago, county police started to notice their transmissions were getting lost in two areas. Now they count eight dead

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# PHONE

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zones, mostly in the middle to northern part of the county.

Communications are non-existent or garbled within about a quarter mile of some cellular towers, especially during peak cell phone hours.

And the department's problems are worse than surrounding jurisdictions because it uses a portable system instead of a mobile system, which is better at shielding interference.

"I think we are undoubtedly the most affected by it than any other jurisdiction," said Capt. Gordon Deans, commander of the Technology Support Division.

No one has been hurt because of failed communications.

In Officer Green's case on the Broadneck peninsula last year, the enraged woman dropped her scissors and was subsequently convicted of assault.

But his case is one of many in which officers can't call the dispatcher, can't check a suspect for outstanding warrants or can't warn each other which direction a suspect is running.

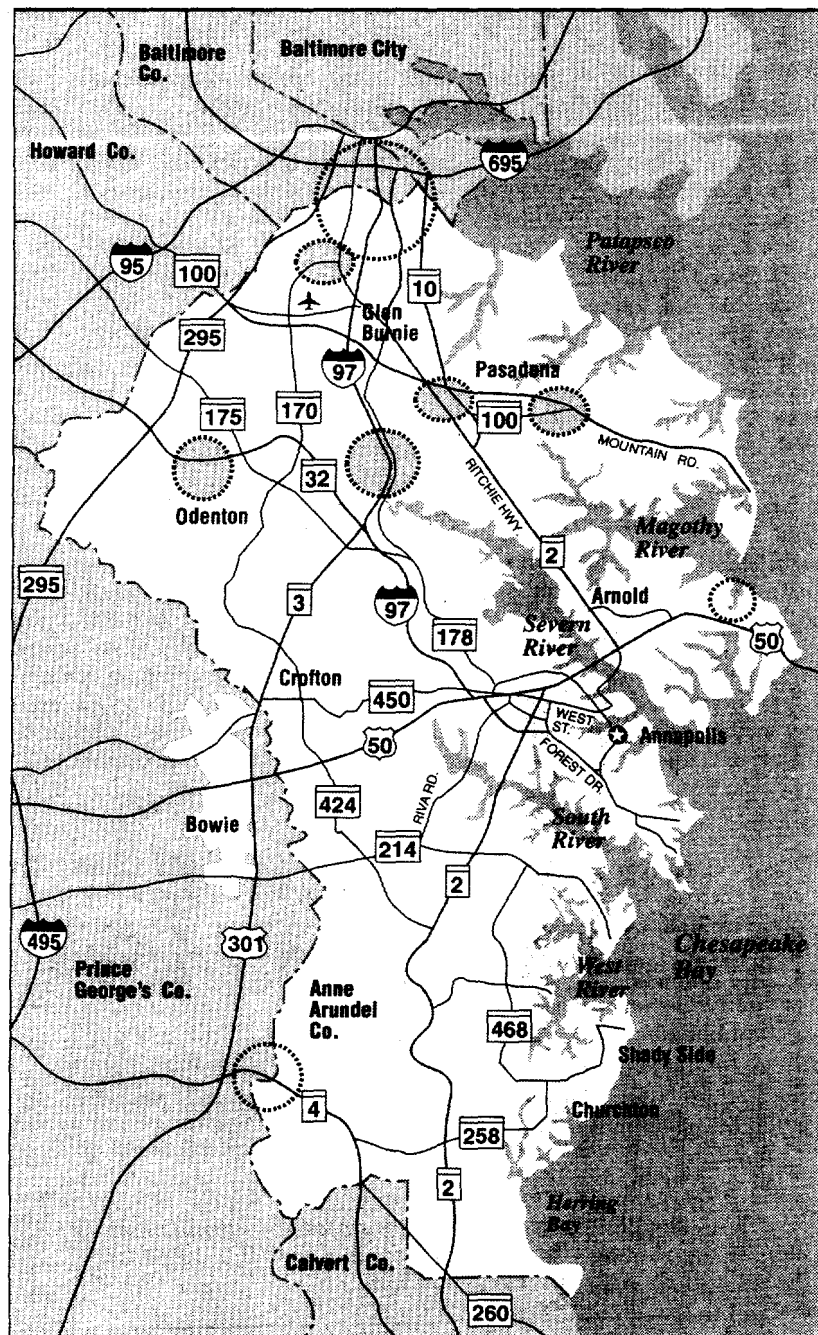
"Someone's going to get hurt or killed and it might not be police," said retired Sgt. Paul Ingley, Fraternal Order of Police Lodge 70 president. "It could be a civilian that could die because of this."

The issue could conceivably disadvantage some residents, as well. Dead-zone residents who report crimes may not benefit from an officer who happens to be traveling near their homes because that officer possibly won't hear the dispatcher.

"It's sad that an officer who may be close to the situation will not get that call until he's out of the dead area," Capt. Deans said.

The FCC last year found the source of the problem: county police radios were having trouble rejecting signals from adjacent channels. Officials suggested the county buy a better filtering system.

But the problem is so new, that



Capital graphic

technology doesn't even exist yet, Chief Shanahan said. Even if it did, he believes the cellular telephone industry should be accountable.

"If I was in court, I would argue, 'Why do I have to go out and spend more money because your (cellular) business is interfering with me?'" he said. "I was here first."

At least in this area, cellular telephone companies aren't buying into the public safety dilemma.

Elissa Lumley, a Cellular One spokesman in Washington, said her company conducted tests in Anne

Arundel County that "basically concluded there had been no interference with their police radios."

Her company is operating within the FCC's specifications, she said.

Nextel's spokesman Audrey Schaefer, in Bethesda, took the same position.

"We don't believe it has anything to do with the cell sites," Ms. Schaefer said. "There are so many filtering protections in our system, it's extraordinarily unlikely that would occur even in one place."

This reaction is much different

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— Paul Ingley

from when cellular telephone officials encountered the same problem in Portland, Ore., according to Joe Hanna, president of the national Association of Public Safety Communications Officials.

There, the cellular telephone companies changed a few frequencies in some of the towers and solved the problem, he said.

But he believes these problems would be solved more easily if there were an FCC requirement in place to coordinate the channel assignments.

"Unfortunately, we have to identify the situation first and force the situation," said Mr. Hanna, who joined Chief Shanahan in the meeting with the FCC.

To prevent future interference, the FCC has adopted a buffer zone, or "guard bands," to protect public safety channels now available in the 700 MHz band. The FCC is expected

to make a decision next month on how these guard bands should be used for low-power transmissions.

But these efforts present no cure for the county's current problem.

In case other efforts fail, the county is talking about a \$20 million, gradual overhaul of the system, said Andrew C. Carpenter, county spokesman. But the county only has a \$54 million budget for capital projects and has already identified \$157 million in capital project requests.

A similar request from Chief Shanahan last year never made the budget, Mr. Carpenter said.

Meanwhile, officers are adjusting their patrols, not to avoid the dead zones, but to take action outside them, some officers said.

Officer Eric Scott, of the Eastern District, said after a scary experience in Severna Park, he now follows a driver to a safe area before

making a traffic stop.

He stopped the driver on Ritchie Highway, but didn't realize he was near a new cellular telephone tower. When he tried to check the driver for outstanding warrants, he couldn't communicate with the dispatcher through the static on his radio. There was no way to let anyone know if he needed assistance.

"On every traffic stop, you're concerned for your safety," he said. "Then you add that to it. It does add to the adrenalin a bit."

Officers are also responding in greater numbers to dead zones. Many are using their private cellular telephones to call 911 when they need a dispatcher.

Officer Green said he doesn't mind paying about \$20 extra a month for work-related calls because he feels safer. But he hopes the county will find a solution soon.

"I don't think they should wait until someone gets hurt to do something about it."